

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11790 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- GHOSWARI District- Patna

RAJIV YADAV @ RAJIYA S/o Birju Yadav R/o village- Alinager Paijna,
P.S.- Ghoshwari, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13460 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- GHOSWARI District- Patna

JAYPAL KUMAR @ JAYPAL YADAV Son of Karu Yadav Resident of
Village - Alinagar, Paijna, Ward No. 12, P.S. - Ghoswari, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27481 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- GHOSWARI District- Patna

RAHUL YADAV Son of Bilash Yadav Resident of Village - Alinagar Paijna,
P.s.- Ghoshwari, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60897 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- GHOSWARI District- Patna

LALLU YADAV Son of Chalitra Yadav Resident of Village - Alinager Paijna,
P.S.- Ghoshwari, District - Patna

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11790 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 13460 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

(In CRIMINAL MISCELLANEOUS No. 27481 of 2022)

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

(In CRIMINAL MISCELLANEOUS No. 60897 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-12-2022

IN CR. MISC. NO. 11790 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Ghoshwari P.S. Case No. 70 of 2021 registered for the offence under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 12.08.2021.

The allegation against the petitioner is to commit murder of son of the informant along with other co-accused persons with fire arms, in the background of neighbourhood



issues, as set out in F.I.R.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and name of this petitioner surfaced on the basis of confessional statement of co-accused, namely, Bablu Yadav, where, nothing surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence. It is also submitted that said co-accused Bablu Yadav has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 8994 of 2022 dated 05.07.2022. It further submitted that specific allegation as regard to cause fatal firearms injuries is against co-accused, namely, Rahul Yadav. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as specific allegation as regard to causing fatal firearms injuries is available against co-accused, namely, Rahul Yadav coupled with the fact that charge-sheet has already been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Ghoshwari P.S. Case No. 70 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Barh, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 13460 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Ghoshwari P.S. Case No. 70 of 2021 registered for the offence under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 28.12.2021.

The allegation against the petitioner is to commit murder of son of the informant along with other co-accused persons with fire arms, in the background of neighbourhood issues, as set out in F.I.R.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and name of this petitioner surfaced on the basis of confessional statement of co-accused, namely, Bablu Yadav, where, nothing surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence. It is also submitted that said co-accused, namely, Bablu Yadav has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 8994 of 2022 dated 05.07.2022. It further submitted that specific allegation as regard to cause fatal firearms injuries is against co-accused, namely, Rahul Yadav. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as specific allegation as regard to causing fatal firearms injuries is available against co-accused, namely, Rahul Yadav coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Ghoshwari P.S. Case No. 70 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 27481 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Ghoshwari P.S. Case No. 70 of 2021 registered for the offence under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 21.06.2021.

The allegation against the petitioner is to commit murder of son of the informant along with other co-accused persons with fire arms, in the background of neighbourhood issues, as set out in F.I.R.

Learned counsel appearing on behalf of the petitioner



submitted that it is appearing doubtful, where, informant is eye-witness of the present occurrence, as only single bullet injury was found in the background of the allegation that indiscriminate firing was made, targeting the deceased. Learned counsel further pointed out that it appears from the FIR that the first occurrence took place in early hours, where, petitioner was not named, but subsequently, as an after thought the petitioner was named with specific allegation. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that specific allegation as regard to cause fatal firearms injuries is against this petitioner.

In view of the submissions, as made above, as specific allegation as regard to cause fatal firearms injuries is available against son of the informant, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, if required, so as



trial may conclude within 09 (nine) months from the date of receipt of a copy of this order. Failing which, petitioner may renew his prayer of bail, if so advised.

S.S.P., Patna is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court, for expeditious disposal of trial, within specified time, as directed above.

IN CR. MISC. NO. 60897 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Ghoshwari P.S. Case No. 70 of 2021 registered for the offence under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 26.08.2022.

The allegation against the petitioner is to commit murder of son of the informant along with other co-accused persons with fire arms, in the background of neighbourhood issues, as set out in F.I.R.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and name of this petitioner surfaced on the basis of confessional statement of co-accused, namely, Bablu Yadav, where, nothing surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence. It is also submitted that said co-accused, namely, Bablu Yadav has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 8994 of 2022 dated 05.07.2022. It further submitted that specific allegation as regard to cause fatal firearms injuries is against co-accused, namely, Rahul Yadav. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as specific allegation as regard to causing fatal firearms injuries is available against co-accused, namely, Rahul Yadav coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Ghoshwari P.S. Case No. 70 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Barh, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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